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REMARKS

Claims 1-3 are currently pending in the above-identified patent application. In the Office Action dated April 27, 2004, the Examiner required new formal drawings because only informal drawings were filed on September 29, 2003. Applicant has provided formal Replacement Sheets in Appendix A, and Annotated Marked-Up Drawings for all figures in Appendix B. Figures 1-7 have been amended. Explanations for the amendments are provided in the Amendments To Drawing Figures on page 4 of this Amendment A. No new matter has been added by these changes.

The Examiner then rejected claim 1 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-39 of U.S. Patent No. 6,646,241 in view of Kural (WO 03/048443) or Matsushita (JP 63-277095), since the Examiner stated that claim 1 in the present C-I-P application includes all the claimed elements of claim 1 in the parent patent which is directed to "a sterilization apparatus comprising in combination: (a) a sealed first chamber capable of withstanding internal pressure and vacuum and having a sealable opening for introducing and removing articles to be sterilized; (b) at least one tray disposed within said first chamber for holding items to be sterilized; (c) a first microwave radiation generator; (d) a first waveguide for directing microwave radiation generated by said first microwave radiation generator onto the articles to be sterilized; (e) a sprayer for directing droplets of water onto the articles to be sterilized; (f) means for generating steam at greater than one atmosphere of pressure and for introducing the steam to said first chamber; and (g) a pump for evacuating said first chamber before the steam is introduced thereto and for removing the steam after the sterilization process is completed;" and an additional element "(h) means for detecting arcing in said first chamber and for shutting down said first microwave radiation generator in response thereto". However, the Examiner continued that Kural shows that it is well known in the art of microwave appliances to use a detector 5 to detect arcing within the appliance housing 2 and a control unit 6 to control the microwave generator 4, and that Matsushita shows the use of an arc spark detector 18 in a

microwave dryer to control the operation of the magnetron (see Figures 1-3 and the English abstract). The Examiner then concluded that it would have been obvious to one of ordinary skill in the art to modify the parent patent to use an arc detector to control the microwave generation according to an arcing condition for a safer microwave appliance, in view of the teaching of Kural or Matsushita.

Claims 2 and 3 were then rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-39 of U.S. Patent No. 6,646,241 in view of Kural or Matsushita, as applied to claim 1 above, and further in view of Weinberg (U.S. Patent No. 6,042,637), since the Examiner stated that Varma et al. combined with Kural or Matsushita shows and claims a sterilization device including every feature except for the use of a filter. The Examiner continued by stating that Weinberg shows that it is known to use a HEPA filter 14 to clean the air by removing both particulates and pathogen in food heating and sterilizing devices, and concluded that it would have been further obvious to one of ordinary skill in the art to modify the parent patent to use a HEPA filter in the sterilization device to remove pathogens for better cleaning effect in view of the teaching of Weinberg.

In response to this rejection, attached to this Amendment A in Appendix C is a Terminal Disclaimer To Obviate A Double Patenting Rejection Over A Prior Patent executed by the present inventor, Dr. Ravi Varma, President and owner of Ecofriend Technologies, Inc., the 100% owner of the subject patent application. Also in Appendix D of this Amendment A, two Statements Under 37 CFR 3.73(b) executed by Dr. Varma as President of Ecofriend Technologies, Inc., are attached. These documents show that U.S. Patent No. 6,646,241 and the present patent application are commonly owned by Ecofriend Technologies, Inc.

Claim 1 was next rejected under 35 U.S.C. 103(a) as being obvious over Varma et al., in view of Kural or Matsushita, since the applied reference has a common inventor with the instant application. Based upon the earlier effective U.S. filing date of the reference, the Examiner concluded that the Varma et al. reference constitutes prior art only under 35 U.S.C. 102(e). The Examiner continued by stating that Varma et al. shows "a sterilization apparatus comprising

in combination: (a) a sealed first chamber capable of withstanding internal pressure and vacuum and having a sealable opening for introducing and removing articles to be sterilized; (b) at least one tray disposed within said first chamber for holding items to be sterilized; (c) a first microwave radiation generator; (d) a first waveguide for directing microwave radiation generated by said first microwave radiation generator onto the articles to be sterilized; (e) a sprayer for directing droplets of water onto the articles to be sterilized; (f) means for generating steam at greater than one atmosphere of pressure and for introducing the steam into said first chamber; and (g) a pump for evacuating said first chamber before the steam is introduced thereto and for removing the steam after the sterilization process is completed", but not "(h) means for detecting arcing in said first chamber and for shutting down said first microwave radiation generator in response thereto". The Examiner then stated that Kural shows that it is well known in the art of microwave appliances to use a detector 5 to detect arcing within the appliance housing 2 and a control unit 6 to control the microwave generator 4, and that Matsushita also shows the use of an arc spark detector 18 in a microwave dryer to control the operation of the magnetron. The Examiner then concluded that it would have been obvious to one of ordinary skill in the art to modify Varma et al. to use an arc detector to control the microwave generation according to an arcing condition for a safer microwave appliance, in view of the teaching of Kural or Matsushita.

Claims 2 and 3 were also rejected under 35 U.S.C. 103(a) as being unpatentable over Varma et al., in view of Kural or Matsushita, as applied to claim 1 above, and further in view of Weinberg. The Examiner stated that Varma et al. combined with Kural or Matsushita shows a sterilization device including every feature as claimed except for the use of a HEPA filter, and that Weinberg shows that it is known to use a HEPA filter 14 to clean the air by removing both particulates and pathogens in food heating and sterilizing devices. The Examiner concluded that it would have been further obvious to one of ordinary skill in the art to modify Varma et al. to use a HEPA filter in the sterilization device to

remove pathogens for better cleaning effect, in view of the teachings of Weinberg.

In response to this ground of rejection, applicant states that: THE PRESENT CONTINUATION-IN-PART PATENT APPLICATION AND U.S. PATENT NO. 6,646,241 WERE, AT THE TIME THE INVENTION OF THE PRESENT APPLICATION WAS MADE, OWNED BY COMPANY ECOFRIEND TECHNOLOGIES, INC. Please see, Section 706.02(I)(2) II. Evidence Required To Establish Common Ownership in the Manual Of Patent Examining Procedure.

The Examiner made of record U.S. Patent No. 6,180,070 to W. Lynn Benson, but has not applied this reference to the subject claims. After carefully reviewing this document, applicant believes that no further response thereto is required.

Applicant has amended the paragraph between lines 13-17 on page 13. Support for the changes therein can be found in this paragraph, as originally filed, and in the paragraph beginning on line 28 of page 13 and ending on line 4 of page 14, as originally filed. It should be mentioned that pressure transducer **99** may be found in Fig. 5, as originally filed. No new matter has been added by these changes.

Applicant has also amended the paragraph between lines 18 and 27 of page 13. Support for the changes therein can be found in the unamended paragraph and claim 1, as originally filed. No new matter has been added by these changes.

The paragraph beginning on line 28 of page 13 and ending on line 4 of page 14 has been amended by applicant. Support for these changes derives from the paragraph beginning on line 13 of page 13 and ending on line 17 thereof, as originally filed, originally submitted Fig. 5 showing the pressure transducer, claim 2, as originally filed, and the paragraph beginning on line 28 of page 13 and ending on line 4 of page 14, as originally filed. Applicant believes that it would be apparent to one having ordinary skill in the art after having studied the two unamended paragraphs and originally submitted Fig. 5 that the amendments follow therefrom. As an example, the combination of pressure

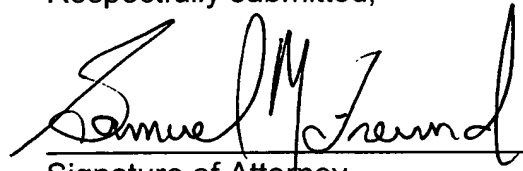
transducer with the apparatus of Fig. 7 is clear. Additionally, the deletion of escape valve **54** and evacuation valve **56** and pump **58** shown in Figs. 1 and 2, as originally filed, and their replacement with the apparatus of Fig. 7, is likewise clear, since the paragraph beginning on line 13 of page 13 and ending on line 17 thereof, as originally filed, states: "A pressure relief valve, adapted to open when the chamber pressure is greater than 65 psi gas/vapor pressure has also been added to increase safety." Further the paragraph beginning on line 28 of page 13 and ending on line 4 of page 14, as originally filed, states: "Figure 7 is a schematic representation of a system for safely venting steam and other gases pass from the sterilization chamber through a HEPA filter as a part of normal venting operations, and also in the event of a failure of the electric power." Escape valve **54** permits venting of chamber gases only into the atmosphere and not through a HEPA filter. No new matter has been added by these changes.

For these reasons, applicants believe that claims 1-3, as originally filed, are in condition for allowance, and such action by the Examiner at an early date being earnestly solicited. Reexamination and reconsideration are respectfully requested.

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Respectfully submitted,



Signature of Attorney

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